In the High Court of Uttaranchal at Nainital.

(Stay Application No.10758/2006)
With
Criminal W.P. No. 1057 (M/B) of 2006

Om Prakash S/o Late Kallu Singh
R/o Garighat, P.S. Kotwar
District Pauri Garhwal ..... Petitioner.

Vs.

1- State of Uttaranchal, through Secretary
Home Affairs.
2- S.P., Pauri Garhwal.
3- S.H.O. P.S. Kotdwar
District Pauri Garhwal
4- Nasurulla S/o Tazfzal Khan
R/o Lakri Parav, Kotwar
P.S. Kotwar, District Pauri .....Respondents.

Sri Raman Kumar Shah, counsel for the petitioner.
Sri D.K. Sharma, learned G.A. for the State.

Coram: Hon'ble B.C. Kandpal, J.
Hon'ble Prafulla C. Pant, J.

Heard Sri Raman Kumar Shah, learned counsel for the petitioner and Sri D.K. Sharma, learned G.A.

2- By means of this writ petition the petitioner has sought the following reliefs:-

(i) To issue a writ, order or direction in the nature of certiorari to quash the F.I.R. dated 12-8-2006, lodged by respondent No.4, in case crime No. 440 of 2006, U/Ss 452, 323, 504, 506, 427 I.P.C. P.S. Kotwar, District Pauri Garhwal, Annexure No.2 to the writ petition.

(ii) To issue a writ, order or direction in the nature of mandamus directing the respondent 1 to 3 not to arrest the petitioner in view of the impugned F.I.R.

3- After going through the first information report, annexed with the writ petition, which discloses two lacerated wounds on the head of the victim Ikram, we are not inclined to interfere in the investigation of the matter, under Article 226 of the Constitution of India.

4- The writ petition is dismissed in limine.

5- The interim relief application also stands rejected.

6- However, if the petitioner is arrested or surrenders before the court, the bail application, if moved by the petitioner, shall be heard and decided without unreasonable delay, by the court concerned.

(Prafulla, C. Pant, J.) **(B.C. Kandpal, J.)**

Dated: 31-8-2006
ISB